



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
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Refer to:

OSB1997-0836

August 15, 1997

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Re: ESA Section 7 consultation for FY97 actions on
Medford and Coos Bay BLM Districts, and Siskiyou,
Rogue River, and Winema National Forests, S. Oregon

Dear Sirs:

This letter represents the National Marine Fisheries Service's (NMFS) biological opinion, pursuant to Section 7(b) of the Endangered Species Act (ESA), that the effects of the Forest Service & Bureau of Land Management (FS/BLM) actions listed in Tables 2-4 below, together with cumulative effects and the effects of the environmental baseline, are not likely to jeopardize the continued existence of listed, proposed, or candidate anadromous salmonid species. These actions include timber harvest, road construction, livestock grazing,



mining, rock quarry operation, actions that are expected to be beneficial to these species (e.g., instream habitat restoration, culvert replacement upgrades, and road decommissioning), and miscellaneous land management actions (e.g., aerial fertilization, recreation management, noxious weed control, etc.). This letter also authorizes incidental take associated with these actions. In making these determinations, NMFS applies the methodology described in the NMFS document entitled "Application of Endangered Species Act Standards to: Southern Oregon/Northern California Coho Salmon,Klamath Mountains Province Steelhead For Federal Land Management Conferences and Consultations", June 1997. A copy of this document is Attachment 1 to this letter.

The Land and Resource Management Plans for the Siskiyou, Rogue River, and Winema National Forests, and the Resource Management Plans for the Coos Bay and Medford BLM Districts were recently the subject of a formal programmatic ESA consultation that was concluded when NMFS issued its Biological Opinion and Conference Opinion concerning the effects of their implementation on these same species, dated March 18, 1997. That opinion provides an important basis for many of NMFS' determinations documented by this letter. Hereafter that programmatic opinion is referred to as LRMP/RMP Opinion (NMFS 1997b).

The Biological Assessment (BA) submitted by FS/BLM for the actions covered by this opinion describes the proposed and ongoing actions on the Siskiyou, Rogue River, and Winema National Forests (NF) and the Coos Bay and Medford BLM Districts that may affect the listed Southern Oregon/ Northern California coho salmon (SONC coho). This BA was received by NMFS on May 9, 1997. Some of the actions in the BA were determined to "may affect, and likely to adversely affect" (LAA) SONC coho, and the others were determined to "may affect, but not likely to adversely affect" (NLAA) this species. The LAA actions are listed below in Tables 2-4 and are the subject of this opinion. The NLAA actions are covered in a separate concurrence letter from NMFS. The FS/BLM also requested conferencing on the effects of the subject actions on the proposed Klamath Mountains Province (KMP) steelhead trout. This letter is also a conference opinion with respect to that species, as provided for in 50 C.F.R. § 402.10(d). The effects determinations in the BA are the same for the two species. The BA included a determination of consistency with the LRMP/RMP Opinion for each action. NMFS jointly made the

effects determinations in the BA with the FS/BLM, and thus concurs with all effects determinations.

The BA included several actions that were inconsistent with the LRMP/RMP Opinion as originally proposed (see Table 3 of BA). Some of these actions were redefined or modified, resulting in consistency with the LRMP/RMP Opinion. In addition, after the BA was submitted, a BLM district discovered that some proposed actions had been left out of the BA. The BA was amended five times by the FS/BLM to reflect these changes, as summarized in Table 1 below.

Table 1. Summary of BA amendments.

BA AMENDMENT #1	
<u>Administrative Unit</u> Siskiyou NF	<u>Date</u> June 4, 1997
<u>Action(s) Covered</u> China Left, Buck Whiskers, Briggs Secret, and Raspberry timber sales	<u>Determination in BA</u> LAA, inconsistent with LRMP/RMP Opinion
<u>Result of Amendment</u> Redefined the following components of these four timber sales as separate actions under consultation and determined that they are consistent with the LRMP/RMP Opinion: <ul style="list-style-type: none"> Bucking and limbing of felled trees Loading tree lengths and logs from decks and landings Hauling of tree lengths and logs on existing roadways Yarding of felled trees outside of riparian reserves to landing Minor road repairs and road maintenance outside of riparian reserves 	

BA AMENDMENT #2	
<u>Administrative Unit</u> Siskiyou NF	<u>Date</u> June 11, 1997
<u>Action(s) Covered</u> China Left timber sale (as redefined in 6/4/97 BA amendment)	<u>Determination in BA, as amended</u> LAA, inconsistent with LRMP/RMP Opinion
<u>Result of Amendment</u> Redefined the harvest of units numbers 2 and 12 as a separate action under consultation and determined that it is consistent with the LRMP/RMP Opinion (harvest activities include felling, bucking, limbing, yarding, and hauling over existing roads).	

Table 1, continued....

BA AMENDMENT #3	
<u>Administrative Unit</u> Siskiyou NF	<u>Date</u> June 17, 1997
<u>Action(s) Covered</u> China Left, Buck Whiskers, Briggs Secret, and Raspberry timber sales (as redefined in 6/4/97 and 6/11/97 BA amendments)	<u>Determination in BA, as amended</u> LAA, inconsistent with LRMP/RMP Opinion
<u>Result of Amendment</u> Redefined the following components of these four timber sales as separate actions under consultation and determined that they are consistent with the LRMP/RMP Opinion: <u>China Left</u> - harvest of units 4, 6, 7, 8, 9, & 13 <u>Raspberry</u> - harvest of units 6 & 35 <u>Briggs Secret</u> - harvest of units 4 & 5 <u>Buck Whiskers</u> - harvest of units 1 & 24	

BA AMENDMENT #4	
<u>Administrative Unit</u> Medford BLM District	<u>Date</u> June 18, 1997
<u>Action(s) Covered</u> Cold Mule and Mule's Brew timber sales	<u>Determination in BA, as amended</u> Not applicable, because these two sales were inadvertently omited from the BA
<u>Result of Amendment</u> The amendment added these two timber sales to the BA, and the determinations for both were LAA, and consistent with the LRMP/RMP Opinion	

Table 1, continued....

BA AMENDMENT #5	
<u>Administrative Unit</u> Medford BLM District	<u>Date</u> July 29, 1997
<u>Action(s) Covered</u> Diversion Dam Removal and Private Quarry Expansion	<u>Determination in BA, as amended</u> LAA, inconsistent with LRMP/RMP Opinion

Result of Amendment

Diversion Dam Removal - this amendment determined that this action is consistent with the LRMP/RMP Opinion (the original determination of inconsistency was an error).

Private Quarry Expansion - this amendment modified this action with the following three changes, resulting in a determination of consistency with the LRMP/RMP Opinion;

1. Utilize the Riparian Reserve Evaluation Techniques and Synthesis Module, Supplement to Section II of Ecosystem Analysis at the Watershed Scale: Federal Guide for Watershed Analysis Version 2.2 (Draft February 1997) to establish an appropriate protection buffer width for the intermittent stream adjacent to the proposed project site. The minimum buffer distance established should not be less than one half of a site potential tree for the site.
2. Reconstruct and upgrade the proposed access road according to Resource Program Direction guidelines for roads, including Best Management Practices contained within the Medford District Record of Decision and Resource Management Plan pages 84-88 and pages 157-165.
3. Decommission an equivalent mileage or impact of road to that which is reconstructed for access to the proposed quarry site. The road to be decommissioned should be located within the Evans Creek watershed, identified prior to issuance of any permit to proceed with the project, and decommissioned within the same season as the access road reconstruction (generally June 15 - September 15 or when soil moisture does not exceed 25% during this time period). Road decommissioning should restore the hydrologic function and reduce sediment delivery potential of the identified road by following the appropriate measures listed in the LRMP/RMP Opinion, p.31.

Biological Requirements, Environmental Baseline and Cumulative Effects

The Southern Oregon/Northern California (SONC) coho salmon (*O. kisutch*) has been listed as threatened under

the ESA by NMFS (May 6, 1997, 62 FR 24588). SONC coho occur between Cape Blanco, Oregon, and Punta Gorda, California. Klamath Mountains Province (KMP) steelhead (*O. mykiss*) has been proposed for listing as threatened under the ESA by NMFS (March 16, 1995, 60 FR 14253; August 9, 1996, 61 FR 41541). KMP steelhead occur between Cape Blanco, Oregon, and the Klamath River Basin (inclusive) in California. Oregon Coast (OC) coho salmon has been reclassified as a candidate for listing under ESA by NMFS (May 6, 1997, 62 FR 24588). NMFS has not yet proposed or designated critical habitat for these species.

The biological requirements of each of these Evolutionarily Significant Units (ESUs) are discussed in the LRMP/RMP opinion, NMFS (1997b). Environmental baseline conditions in the SONC coho range within the FS/BLM lands covered by this opinion are discussed on pages 13-14 of NMFS (1997b). Cumulative effects as defined under 50 CFR 402.02. in the SONC coho range within the FS/BLM lands covered by this opinion are discussed on pages 40-43 of NMFS (1997b). These respective analyses are incorporated herein by this reference. NMFS is not aware of any newly available information that would materially change these previous analyses of biological requirements, environmental baseline or cumulative effects for the purpose of this opinion.

Proposed Actions

The proposed actions include types of actions specifically described in the LRMP/RMP Opinion, such as grazing and mining. The only major type of action not included in the LRMP/RMP Opinion was timber harvest. Some miscellaneous minor land management actions covered by this letter, such as aerial fertilization, recreation management, noxious weed control, etc., were not included in the LRMP/RMP Opinion.

Actions Specifically Described in LRMP Opinion. These include actions beneficial to anadromous salmonids (instream fish habitat enhancement and restoration, culvert upgrades, and road decommissioning), road construction, livestock grazing, mining, and rock quarry

operation. Beneficial actions, livestock grazing, mining, and rock quarry operation are all proposed on at least one administrative unit. Nearly all of the road construction is associated with timber harvest, and this is described below.

Timber Harvest. *Insert information on the harvest prescription, road construction, and any harvest/roadwork within riparian reserves for each timber sale (should receive this info by 8/8).*

Miscellaneous Land Management Actions. A wide variety of programmatic land management actions are proposed that do not fall under the two categories above. These include, to name a few, aerial fertilization, stream surveys, pump chance construction & maintenance, recreation management, etc. These actions are listed in Table 2, along with the programmatic actions included in the LRMP/RMP Opinion, such as grazing, mining, and rock quarry operation.

Effects of the Actions

Actions Specifically Described in LRMP Opinion. These include actions beneficial to anadromous salmonids (instream fish habitat enhancement and restoration, culvert upgrades, and road decommissioning), road construction, livestock grazing, mining, and rock quarry operation. The potential effects of instream fish habitat enhancement and restoration, culvert upgrades, and road decommissioning are discussed on pages 29-32 of the LRMP/RMP Opinion (NMFS 1997b). The potential effects of road construction, livestock grazing, mining, and rock quarry operation on salmonid habitat are discussed on pages 33-36 of the LRMP/RMP Opinion. References are listed on pages of 52-58 of the LRMP/RMP Opinion.

Timber Harvest. The effects of each of these timber sales on the salmonid stocks and their habitat is presented in the BAs prepared by the action agencies and reviewed by the Level 1 teams on which NMFS was represented. NMFS finds those descriptions to be adequate for this analysis and as part of the basis for the determinations of this letter.

Additionally, a detailed discussion of the potential

effects of timber harvest and associated activities on salmonid habitat is presented in the NMFS document entitled "Potential Effects of Timber Harvest and Associated Activities on Salmonid Habitat and Measures to Minimize Those Effects" (hereafter referred to as "NMFS 1997a"). A copy of the document is Attachment 2 to this letter and is incorporated herein by this reference. Similarly, a general discussion of the potential effects of associated road construction on salmonids and their habitat is provided in the LRMP/RMP Opinion. NMFS has considered the applicability of these analyses to each of the timber sales identified in the BAs and in Tables 2-4 of this letter. The NMFS is not aware of any other special characteristics of the particular sales that would cause greater or materially different effects on the subject salmonid species and their habitat than is discussed in these references. Similarly NMFS is not aware of any newly available information that would materially change these previous effects analyses.

Miscellaneous Land Management Actions. A wide variety of programmatic land management actions proposed for implementation partially or entirely within Riparian Reserves were determined to be "likely to adversely affect" anadromous salmonids in the BA, and are included in this letter (see Table 2). Adverse effects to aquatic habitat from these miscellaneous actions are expected to be minor and short-lived because all of these actions have been designed and mitigated in accordance with the Northwest Forest Plan Aquatic Conservation Strategy objectives, land allocations and standards and guidelines. Despite the minor, short-term adverse effects, these actions maintain or restore essential aquatic habitat functions, and will not impede recovery of anadromous fish habitat, a long-term goal of the Northwest Forest Plan. The specific benefits of Northwest Forest Plan components for providing short-term protection and long-term recovery of aquatic habitats are described in Attachment 1.

Conclusion. NMFS concludes that, when the effects of these proposed site specific actions are added to the environmental baseline and cumulative effects occurring in the relevant action areas, they are not likely to jeopardize the continued existence of SONC coho or KMP steelhead trout. In reaching this conclusion NMFS has

utilized the best scientific and commercial data available as documented herein and by the BAs and documents incorporated by reference.

Incidental Take Statement

Effects resulting from road construction (e.g. sedimentation) are expected to be the primary source of incidental take associated with the proposed actions listed in Tables 2-4 below. Because of the limited amount of new road construction, location of the roads, and the fact that most are temporary, sediment impacts are expected to be minimized. Effects of timber harvesting in riparian reserves are also expected to be minimal because of location, land form, and harvest method. The NMFS expects that the incidental take associated with; 1) the other timber harvest effects (discussed in Attachment 2) of the subject timber sales, and 2) all other proposed actions listed in Tables 2-4, will also be minimal.

Adverse effects of management actions such as these are largely unquantifiable in the short-term, and may not be measurable as long-term effects on the species' habitat or population levels. Therefore, even though the NMFS expects some low level of incidental take to occur due to these actions, the best scientific and commercial data available are not sufficient to enable NMFS to estimate a specific amount of incidental take to the species themselves.

The incidental take statement in the LRMP/RMP opinion provided reasonable and prudent measures and terms and conditions to avoid or minimize the take of listed salmonids from actions involving road construction (pages 65 and 70-72) that may be applied to site specific actions if appropriate. According to the procedural expectations of the LRMP/RMP Opinion (NMFS 1997b), the South Coast/Rogue Basin Level I team discussed the subject actions on the Siskiyou, Rogue River, and Winema NF's and Coos Bay and Medford BLM Districts at meetings in Medford, Oregon on April 23 and June 10, 1997. The Level I team found that the subject actions are consistent with the LRMP/RMP Opinion's standards and guidelines, as well as the Aquatic Conservation Strategy

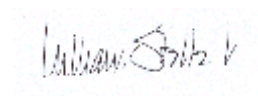
objectives, and therefore found that all reasonable and prudent measures, and corresponding terms and conditions in the LRMP/RMP Opinion (NMFS 1997b) are appropriate for the actions covered by this letter, as listed in Tables 2-4.

NMFS hereby applies the findings, reasonable and prudent measures, and terms and conditions set forth in the Incidental Take Statement of the programmatic LRMP/RMP Opinion (NMFS 1997b) to these actions. Therefore NMFS further authorizes such minimal incidental take provided the Forest Service, BLM and their applicants comply with those measures, terms and conditions. Copies of the incidental take provisions of the LRMP/RMP Opinion are Attachment 3 to this letter.

Reinitiation of consultation is required if: (1) the amount or extent of taking specified in the incidental take statement, above, is exceeded, (2) the action is modified in a way that causes an effect on the listed species that was not previously considered in the BA and this biological opinion; (3) new information or project monitoring reveals effects of the action that may affect listed species in a way not previously considered; or (4) a new species is listed or critical habitat is designated that may be affected by the action (50 CFR 402.16).

Questions regarding consultation and conferencing on these actions should be directed to Lance Smith at 503/231-2307.

Sincerely,



William Stelle, Jr.
Regional Administrator

Attachments

Table 2 - Ongoing and Proposed Programmatic Federal Actions Inside Riparian Reserves¹.

Coos Bay and Medford Bureau of Land Management Districts; Rogue River, Siskiyou and Winema National Forests. Each action consists of multiple individual projects.	
Road Maintenance, Road Repair Road Decommissioning Culvert Replacement Aerial Fertilization Salmonid Spawning Surveys Stream surveys, fish population surveys, smolt trap monitoring, aquatic/riparian monitoring Pump Chance construction and maintenance Watershed Restoration Projects: - road stormproofing/drainage repair - road obliteration - upslope erosion repair - instream habitat improvement - riparian silviculture treatments - culvert upgrades Fish Habitat Restoration and Project Construction/Maintenance Emergency Repair of Federally-Owned Roads (ERFO) Projects, Road Repairs Dispersed Camping and Campground Maintenance Dispersed and Developed Camping Motorized and Non-motorized Recreation Activities Trail Construction and Trail Maintenance Trailhead Site Construction and Maintenance Discretionary Right-of-Way Agreements and Road Use Permits Prescribed Fire, Fire Suppression and Pre-suppression Activities, Broadcast Burning Meadow Restoration Projects Special Forest Products Special Use Permits Guide permits Hazardous Materials Cleanup	Precommercial Thinning, Commercial Thinning Roadside Salvage and Hazard Tree Removal Silvicultural Treatments - tubing -thinning - mulching -weeding - scalping -fertilization - gopher baiting - release work, brushing - planting -pruning - shade cards -cone collection - scion wood collection Wildlife Projects (general) - Tree topping, wildlife snag creation Erosion Control Projects - Seeding, mulching, fertilization Noxious Weed Control Fence Construction and Maintenance Boat Ramp Use Gate Installation and Gate Maintenance Barrier Installation and Maintenance Dump/Trash Clean Up Sign Installation/Maintenance Grazing Allotments with Allotment Management Plans Range Improvement Projects Non-motorized and Motorized Boating Activities Mining activities, Lode Mining, Suction Dredging road construction, Road Re-construction Rock Quarry Operations Bridge-building, Low-water Ford Construction and Bridge/ford obliteration Administrative Site Mtce. Bucking and limbing of felled trees Loading tree lengths and logs from decks and landings hauling of tree lengths and logs on existing roadways

- ¹ I.e., actions in this table are considered "likely to adversely affect" SONC coho and KMP steelhead only if they occur within Riparian Reserves.

Table 3 - Ongoing and Proposed Programmatic Federal Actions on Any Land Allocation (including Riparian Reserves).²

Coos Bay and Medford Bureau of Land Management Districts; Rogue River, Siskiyou and Winema National Forests.
Yarding of felled trees to landing Road maintenance, road repair

- ² I.e., actions in this table are considered "likely to adversely affect" SONC coho and KMP steelhead on any land allocation.

Table 4 - Ongoing and Proposed Individual Actions (by administrative unit - no individual actions on Rogue River or Winema National Forests).

Coos Bay Bureau of Land Management District.
<u>Myrtlewood Resource Area</u>
Lobster Hill Timber Sale (TS) Silver Spoon T.S. (Replacement Vol. For N. F. Chetco T.S. & Deep Cr. T.S.) South Coast and Lower Rogue Watershed Restoration North Fork Chetco T.S. Crazy 8's T.S. Hardwood Conversion

Table 4 (continued).....

Medford Bureau of Land Management District.

Ashland Resource Area

Oregon Belle (or Lucky Strike) Commercial Mining Claim
Lick II Timber Sale
Lower Thompson Timber Sale
DFZ Timber Sale
Grubby Well Timber Sale
Grubby Sailor Timber Sale
Hukill Hollow Timber Sale
Miller's Gulch Timber Sale
Sailor's Mill Timber Sale
Sterlingville Timber Sale
Strong Wolf Timber Sale
Squires Peak Timber Sale
Isabelle Belle Timber Sale
Right Forest Timber Sale

Grants Pass Resource Area

Deer Mom Timber Sale
Maple Syrup Timber Sale

Glendale Resource Area

I-Shank Timber Sale
Tunnel Vision Timber Sale
Low 5 Timber Sale
PP and J Timber Sale
Cold Mule Timber Sale
Mule's Brew Timber Sale

Butte Falls Resource Area

Diversion Dam Removal
Private Quarry Expansion
Cleveland Railroad Timber Sale
Salty Bones Timber Sale
Home Run Timber Sale
Musty Doughnut Timber Sale
Rancheria Timber Sale
Tokyo Ginger Timber Sale
Fred-N-Jack Timber Sale
Ground Round Timber Sale

Table 4 (continued).....

Siskiyou National Forest.
<p><u>Galice Ranger District</u> Waters Thin TS Everclear Timbersale Red Dog Mining Gold Quest Mining J.Gates Mining claim on Silver Ck Tin Can Timber Sale Finley Overlook Timber Sale Waterfall Salvage Dutcher Timber Sale Briggs Secret Timber Sale (Units 4 & 5)</p> <p><u>Gold Beach Ranger District</u> Too Wild Thin T.S. POC Sanitation Harvest Lobster Creek Suction Dredge Mining Raspberry Timber Sale (Units 6 & 35)</p> <p><u>Illinois Valley Ranger District</u> China Left Timber Sale (Units 2,4,6,7,8,9,12 & 13) Buck Whiskers Timber Sale (Units 1 & 24) Flood Damage Road Repair for Active Timber Sale Access Bucking Horse Timber Sale and Associated Projects Full House Timber Sale and Associated Projects Petite Mining Proposal along the Illinois River</p> <p><u>Chetco Ranger District</u> Chetco Replacement Volume TS Low Meadow T.S. Mineral Fork T.S. Higgins Suction Dredge Mine Upper Pistol T.S. Sugar Cube T.S. Red Bone T.S. Upper Chetco T.S. POC Sanitation</p>

References

National Marine Fisheries Service (NMFS). 1997a. The potential effects of timber harvest and associated activities on salmonid habitat and measures to minimize those effects. July 1997.

National Marine Fisheries Service (NMFS). 1997b. Biological Opinion and Conference Opinion on Implementation of Land and Resource Management Plans (USFS) and Resource Management Plans (BLM) on the Oregon Coast. NMFS Northwest Region 7600 Sand Point Way, NE Bin C15700, Bldg. 1, Seattle, Washington 98115. Biological Opinion and three attachments. March 18.

National Marine Fisheries Service (NMFS). 1996. Biological Opinion on Ongoing and Proposed (through 12/31/96) Actions Affecting Umpqua River Cutthroat Trout. NMFS, Northwest Region 7600 Sand Point Way, NE Bin C15700, Bldg. 1, Seattle, Washington 98115. Biological Opinion and three attachments. February 26.